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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,448	03/04/2002	Yoshiyuki Suzuki	2002-0316A	3194
513	7590	02/10/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			CAMPBELL, KELLY E	
		ART UNIT		PAPER NUMBER
				3618

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,448	SUZUKI, YOSHIYUKI	
	Examiner	Art Unit	
	Kelly E Campbell	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 November 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 8-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 8-10, 15 and 23 is/are rejected.

7) Claim(s) 11-14, 16-22 and 24-28 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

The amendment filed 12/2/03 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10,15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao et al (US 4,832,361).

Nakao et al teach:

a stroller (A) including:

a body structure (1,2,4) adapted to be unfolded in an unfolded state for use and to be folded in a folded state, see Column 2,lines 36-44;

a handle (3) supported on the body structure (1,2,4) for forward and backward turning, see Abstract, and adapted to be set in either a backward-inclining position for a back-faced pushing mode or a forward-inclined position for a front-faced pushing mode, see Column 4, lines 20-23;

a handle locking mechanism (8,10,11) for locking the handle (3) in either a state for the back-faced pushing mode or a state for the front-faced pushing mode, see Column 6, lines 60-67;

wherein the body structure (1,2,4) can be folded and unfolded with the handle locked on the body structure in the state for the back-faced pushing-mode, see Column 7, lines 25-30,

and the handle locking mechanism (8,10,11) includes a mechanism (11) that permits unlocking the handle (3) when the body structure is unfolded, see Column 7, lines 31-37;

and the handle locking mechanism (8,10,11) inhibits unlocking the handle (3) when the body structure is folded, until a user depresses the mechanism (11) to release the body structure (1,2,4), see Column 7, lines 60-68;

wherein the handle locking mechanism includes a stopping projection (32) formed on an outer surface of the body structure element (4), and a stopping-member (36) provided with a groove, see Figure 2;

the engagement hook plates or stopping members (36) supported on the handle (3) for sliding along the axis of the handle (3), see Column 4, lines 13-15; and the stopping member (36) biased in a locking direction to engage the stopping projection (32) in the groove (silent) of the stopping member (36), see Figure 2;

the stopping projection (32) engaged in the groove of the stopping member (36) turns relative to stopping member (36) when a user rotates the body structure members (1,2,4) in order to change the condition of the stroller between folded to unfolded positions;

the position of engagement of the stopping projection (32) and the groove of the stopping member (36) changes according to an angular position of the stopping

projection relative to the groove of the stopping member, when the user is in the process of moving the stroller elements between a backward inclined position, forward inclined position and a folded or unfolded state, see Figure 2;

an operating device (11) held on the handle (3), and a connecting member (10) extending along the handle (3) and having one end connected to the stopping member (36) and the other end connected to the operating device (11), see Column 7, lines 19-41.

Response to Arguments

Applicant's arguments filed 12/2/03 have been fully considered but they are not persuasive. The applicant's arguments regarding the stroller of the applicant's invention permitting unlocking of the handle from the body structure "only" when the body structure is in an unfolded state and inhibits unlocking of the handle from the body structure when the body structure is in a folded state, have been considered.

However, the invention disclosed by Nakao et al disclose a stroller handle inhibited from folding until a user depresses an operating lever. The handle is in a locked position and restricted from unlocking the lever is actuated. The state for locking and unlocking the handlebar is selectively restrictive, however, before the lever is actuated, the handlebar is inhibited from unlocking. The applicant has not specified the handlebar still being inhibited from locking despite a locking/unlocking lever is actuated, in claims 8-10,15 and 23.

Allowable Subject Matter

Claims 11-14, 16-22 and 24-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a stopping projection having a shaft part extending in a direction parallel to an axis of the handle when the stopping projection is in a first position when the body structure is in the unfolded state, and the shaft part extending in a direction perpendicular to the axis of the handle when the stopping projection is in a second position when the body structure is in the folded state. With regards to claim 16, the prior art does not disclose a handle locking mechanism structure prohibiting the unlocking of the handle from the body structure, upon actuation of the operating device.

A combination of these and other limitations have not been reasonable found in the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Kelly E. Campbell
KEC


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
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7/9/04